

1 JOHN J. FRENI, ESQ. (Bar No. 132912)
A Professional Law Corporation
2 600 West Broadway, Suite 400
San Diego, CA 92101
3 (619) 557-9128; (619) 515-1197

4 Attorneys for Defendant, MARIO RENDA

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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

10 AIRLINES REPORTING CORPORATION,

11 Plaintiff/Judgment Creditor,

12 v.

13 COMMERCIAL TRAVEL
CORPORATION d/b/a MATLOCK
TRAVEL, *et al.*,

14 Defendants/Judgment Debtors.
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CASE NO. 08-MC-00088

DECLARATION OF JOHN J. FRENI IN
SUPPORT OF DEFENDANT MARIO
REDA'S MOTION FOR ATTORNEY'S
FEES AND COSTS PURSUANT TO
FEDERAL RULES OF CIVIL
PROCEDURE, RULE 54 (d)(2)

Date: September 22, 2008
Time: 3:30 p.m.
Ct. Room: 1, 4th Floor
Judge: Hon. Irma E. Gonzalez

Judgment: September 4, 2007

19 I, JOHN J. FRENI, declare:

20 1. I am an attorney licensed and admitted to practice before all state and federal
21 courts in the State of California, including this Court, and counsel for Defendant MARIO
22 RENDA in this action.

23 2. I have been a civil trial attorney in the State of California for the last 20 years. I
24 enjoy an "AV" rating with Martindale Hubbell and I am a Master in the William B Enright Inn
25 of Court, and a member of its Executive Board. I also periodically serve as an instructor in the
26 San Diego Inn of Court's yearly evidence seminar. In the 20 years that I have been practicing

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1 law in the State of California, I have handled hundreds of civil litigation matters. I have tried at
2 least 11 complex business and real estate matters (trials that have lasted from at least two weeks
3 to as long as four months) to jury verdict, in addition to handling a number of bench trials and
4 complex arbitrations. My current hourly rate for services is \$325.

5 3. I am generally familiar with the hourly rates charged by counsel with my
6 background and experience in the San Diego County area, which range from \$300 to \$450 per
7 hour.

8 4. The case at bar was significantly complex from the standpoint that it was
9 governed by Virginia law, and required the presentation of court records from the United States
10 District Court for the Eastern District of California. Plaintiff AIRLINES REPORTING
11 CORPORATION ("ARC") increased the services required because it refused to stipulate to a
12 stay of enforcement of its default judgment or a postponement of its motion for an assignment
13 order until after the Court ruled on Mr. RENDA's motion to vacate. As a result, Mr. RENDA
14 was required to bring an ex parte motion for a stay and to prepare an opposition to the motion
15 for an assignment order in addition to prosecuting his motion to vacate.

16 5. Attached to Mr. RENDA's notice of lodgment as Exhibit 1 are true and correct
17 copies of the invoices and work-in-progress reports that itemize all legal services that my law
18 firm provided to Mr. RENDA and the costs he incurred in this matter from its inception up to
19 and including August 15, 2008. The total fees Mr. RENDA has incurred to date are
20 \$32,402.50. Mr. RENDA's total costs are 752.80.

21 6. Attached to Mr. RENDA's notice of lodgment as Exhibit 2 is a true and correct
22 copy of the relevant excerpts of the Agent Reporting Agreement between Plaintiff AIRLINES
23 REPORTING CORPORATION and COMMERCIAL TRAVEL CORPORATION dba
24 MATLOCK TRAVEL (first page, attorney's fees and costs provision, choice of law). If the

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1 Court wishes to review the entire ARA, it is attached as Exhibit 4 to Mr. RENDA's notice of
2 lodgment in support of his motion to vacate, Document No. 10-6, at pages 117 through 157.

3 I declare under penalty of perjury under the laws of the United States of America and
4 the State of California that the foregoing is true and correct and that this declaration was
5 executed in San Diego, California on August 15, 2008.

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7 s/ JOHN J. FRENI, ESQ.
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